



## **PERIODIC REVIEW**

**7-Eleven # 230729078**  
**Facility Site ID#: 4158283**

**101 NE 50<sup>th</sup> Street,  
Seattle, Washington**

**Northwest Region Office**

**TOXICS CLEANUP PROGRAM**

**June 2010**

<b>1.0 INTRODUCTION.....</b>	<b>1</b>
<b>2.0 SUMMARY OF SITE CONDITIONS .....</b>	<b>2</b>
2.1 Site Description and History .....	2
2.2 Site Investigations and Sample Results .....	2
2.3 Cleanup Actions .....	2
2.4 Cleanup Levels.....	4
2.5 Restrictive Covenant.....	4
<b>3.0 PERIODIC REVIEW.....</b>	<b>6</b>
3.1 Effectiveness of completed cleanup actions .....	6
3.2 New scientific information for individual hazardous substances for mixtures present at the Site .....	6
3.3 New applicable state and federal laws for hazardous substances present at the Site .....	6
3.4 Current and projected Site use .....	7
3.5 Availability and practicability of higher preference technologies .....	7
3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels .....	7
<b>4.0 CONCLUSIONS.....</b>	<b>8</b>
4.1 Next Review.....	8
<b>5.0 REFERENCES.....</b>	<b>9</b>
<b>6.0 APPENDICES.....</b>	<b>10</b>
6.1 Vicinity Map .....	11
6.2 Site Plan .....	12
6.3 TPH-Dx Concentration Map.....	13
6.4 Environmental Covenant .....	14
6.5 Photo log .....	18

## 1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the [site name] (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program [or IRAP]. The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
  - 1. Institutional controls or financial assurance are required as part of the cleanup
  - 2. Where the cleanup level is based on a practical quantitation limit
  - 3. Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site;
- (b) New scientific information for individual hazardous substances or mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

## **2.0 SUMMARY OF SITE CONDITIONS**

### **2.1 Site Description and History**

The property includes a rectangular shaped parcel covering approximately 15,324 square feet of land with an address of 101 NE 50<sup>th</sup> Street, Seattle, Washington. Improvements to the property include a one-story, (concrete foundation wood framed) building enclosing approximately 4,057 square feet of space that was reportedly erected in 1987. Additional improvements include a pump island occupied by two pumps used for the dispensing of gasoline, and paved parking areas. Currently the property is occupied by a 7-Eleven convenience store with retail gas sales, and a hair salon. The previous occupant of the hair salon was Edge Wireless. The property is located in a mixed commercial and residential area approximately five miles north of downtown Seattle, Washington. The property is bordered to the north by Northeast 50th Street. Across this street are single-family dwellings and a former home which was at the time of cleanup an antique gallery. To the northwest, at the northwest corner of the 1st Avenue Northeast and Northeast 50th Street intersection is the 50th Street Deli and Market. Residential homes extend to the east of the Site. A single-family dwelling is located adjacent to the Site to the south. A residential neighborhood extends southward along 1st Avenue Northeast. Bordering to the west is 1st Avenue Northeast. Across this avenue are residential homes. At the southwest corner of the intersection of NE 50th Street and 1st Avenue NE was a remodeled home housing a Maytag Coin Laundry.

The Site is situated on a gently rolling elevated plain the Seattle Drift Plain which was formed during the last period of continental glaciation that ended approximately 13,500 years ago. Published geologic maps for the Site vicinity (Liesch, 1963) suggest that much of the material underlying the Site is glacial till, a dense heterogeneous mixture of silt, sand, and gravel. Typically, the till exhibits relatively low vertical hydraulic conductivity which frequently results in formation of a “perched” water table along its upper contact. The “perched” water table (if present) is frequently seasonal and derives recharge primarily from infiltration of precipitation through more permeable overlying soils. Topographically, the Site is situated on a mostly level parcel approximately 250 feet above sea level. Based upon inference from topography and local drainage patterns, it appears that shallow groundwater (if present) in the vicinity of the property may flow in a southerly direction. Groundwater was not encountered within the 17 foot maximum depth explored. Depth to groundwater at the Site may lie at 20 feet or more below the surface. Lake Union is located approximately one and one quarter miles south of the Site.

### **2.2 Site Investigations and Sample Results**

Environmental Associates, Inc. (EAI) presented Mr. Henry Nelson (c/o Leibsohn and Company) with the findings of a Phase I Environmental Assessment in July 2001 of the property. The findings of the Phase I relevant to this report included concerns regarding an earlier Site Assessment of the Site performed by GeoEngineers in 1986. While the reported hydrocarbon concentrations in soil samples analyzed by GeoEngineers were below existing Ecology target compliance levels, the test methodology was not documented, nor does it appear that the samples

were analyzed for gasoline associated benzene, toluene, ethylbenzene, and xylenes (BTEX) compounds, as is the current protocol for environmental professionals as prescribed by regulatory agencies including Ecology (Ecology Pub 91-30, Table 2, page 12 July 1991)

On June 29, 2001, six (6) Strataprobe borings (SB1 through SB6) were made using a truck mounted Strataprobe hydraulic ram soil boring rig. Borings B1 and B2 were positioned to evaluate soil conditions at inferred down-gradient positions relative to the existing USTs/fuel system. Borings SB3 through SB4 were positioned in the approximate location of the former USTs and pump island. Soils encountered consisted of an upper 1 to 3 feet of fill. Silty-sand with gravel (glacial till) was encountered below the fill. The till extended to the 17 foot maximum depth explored. Groundwater was not encountered. Due to the density of the soils encountered at the property exploration to depths greater than 15 to 17 feet was not attempted by the driller.

Petroleum odors were noted in soil samples collected between 15 and 17 feet at boring SB1; between 1 and 2 feet below the ground surface at boring SB3; between 13 and 13.5 feet at SB4; and 7 and 15 feet at SB5. A soil sample from each of these zones was selected for laboratory analysis. The deepest soil sample from the remaining boring, where no petroleum odors were noted, was also selected for laboratory analysis.

Six (6) selected soil samples were analyzed by the project laboratory for gasoline total petroleum hydrocarbons (TPH-G) including the BTEX compounds by Ecology test method (NW) TPH-G/BTEX. Gasoline range petroleum hydrocarbons were detected in the selected soil samples from borings SB3 (at 1 to 2 feet), SB4 (at 14 to 15 feet), and SB5 (at 14 to 15 feet). The concentrations of gasoline in the samples from SB3 and SB4 were 150 and 880 parts per million (ppm) respectively. Ecology's target compliance level for gasoline in soil was 100 ppm. As of August 15, 2001, Ecology lowered the target compliance level for TPH as gasoline to 30 ppm if benzene is also present in the gasoline mix. Benzene was present in the soil sample from SB4 at a concentration of 0.39 which is below the existing cleanup level of 0.5 ppm but above the new cleanup level of 0.03 taking effect August 15, 2001. Field observations suggest that the petroleum impacted soil encountered at SB3 may be limited to a narrow zone between 1 and 2 feet below the ground surface. Deeper soil samples from SB3 did not have a noticeable petroleum odor. Petroleum impacted soil at SB4 appears to begin at approximately 13 feet below the ground surface. Though the soil sample from SB5 selected for laboratory analysis contained concentrations of gasoline below Ecology target compliance levels, it should be noted that petroleum odors were noted at SB5 beginning at approximately 7 feet below the ground surface and extended to the 15 foot maximum depth explored.

On August 23, 2001, four (4) additional hollow-stem auger borings (SB7 through SB10) were drilled. Boring SB7 was positioned downgradient of the former UST area at the lowest topographical position on the property. The purpose of boring SB7 was to determine if shallow groundwater existed within 40 feet of the ground surface. Borings SB8 and SB9 were positioned down and cross-gradient from the existing 7-Eleven fuel system and were advanced to depths of 20 feet below the ground surface. The last boring SB10 was advanced within two feet of former boring SB4 for the purpose of evaluating the vertical extent of gasoline impacted soil previously

identified at that location. Boring SB10 was advanced to a depth of 40 feet below the ground surface.

Soils encountered consisted of an upper 1 to 6 feet of fill. Silty-sand, with gravel (glacial till) was encountered below the fill and extended to a depth of approximately 20 to 21 feet below the ground surface. A fine to medium sand was encountered below the till and extended to the 40 foot maximum depth explored. Groundwater was not encountered within the 40 foot maximum depth explored. Petroleum odors were only noted at boring location SB10, which had been advanced in an area of previously encountered contamination. Gasoline odors were noted at SB10 beginning at approximately 12 feet below the ground surface and extended to a depth of approximately 24 feet below the ground surface at that location. Five (5) soil samples were selected from SB10. Acknowledging that no obvious indications of contamination were noted for the soil samples recovered from the remaining soil borings, the deepest soil sample from each of these borings was selected for laboratory analysis (3 samples).

The eight (8) selected soil samples were analyzed by the project laboratory for gasoline petroleum hydrocarbons included the BTEX compounds by Ecology test method NWTPH-G/BTEX. Gasoline range petroleum hydrocarbons were detected in two (2) of the five (5) samples from boring SB10 ( 12.5' to 14' and 22.5' to 24'). Total petroleum hydrocarbons as gasoline ranged from 690 to 1,100 parts per million (ppm) at SB10. Benzene was also present in the soil sample collected between 22.5' and 24' at a concentration of 0.48 ppm. For reference the most recent Ecology target compliance level for gasoline, when benzene is also present, is 30 ppm. The next three deepest soil samples at SB10 contained non-detectable concentrations of TPH as gasoline and very minor concentrations of xylene, well below Ecology target compliance levels. A follow-up analysis of two (2) of the soil samples from SB10 for organic lead was also performed [results in an addendum letter]. Relying upon the results of laboratory analysis along with field observations, it appears that gasoline impacted soil exists in the vicinity of borings SB4/ SB10 beginning at approximately 12 feet below the ground surface and extending to a depth of approximately 24 to 26 feet below the ground surface (12 to 14 feet thick).

## **2.3 Cleanup Actions**

Since groundwater was not encountered to 40 feet a remedy of containment, control, and isolation with institutional controls was chosen for protectiveness of human health and the environment. Ecology issued a 'No Further Action' (NFA) letter April 23, 2002 after a restrictive covenant was recorded with the county.

## **2.4 Cleanup Levels**

MTCA Method A cleanup standards were chosen for comparison purposes to Site cleanup levels.

## **2.5 Restrictive Covenant**

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the

---

property. A Restrictive Covenant was recorded for the Site in 2002 which imposed the following limitations:

Section 1. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway is prohibited. Some examples of activities that are prohibited in the capped areas include drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action, to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

The Restrictive Covenant is available as Appendix 6.4.

## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of completed cleanup actions**

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on June 14, 2010, the asphalt cover (remedy) at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The asphalt appears in barely passable condition, and repair, maintenance, or contingency actions are likely necessary in the near future. The Site is operating as a retail convenience store, gas station, and hair salon. A photo log is available as Appendix 6.5.

Soils with TPH concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy (Site structures and asphalt surface, etc.) prevent human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

### **3.2 New scientific information for individual hazardous substances for mixtures present at the Site**

There is no new scientific information for the contaminants related to the Site.

### **3.3 New applicable state and federal laws for hazardous substances present at the Site**

The cleanup at the Site was governed by Chapter 173-340 WAC. WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.



---

Analyte	1991 MTCA Method A Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH- Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed

### 3.4 Current and projected Site use

The Site is currently used for retail/commercial purposes. There have been no changes in current or projected future Site or resource uses.

### 3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

### 3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

## **4.0 CONCLUSIONS**

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment, but the asphalt cap is deteriorating, and should be replaced or repaired.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy is maintained.

### **4.1 Next Review**

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

The asphalt acting as a cap for the contamination is deteriorating, and should be replaced or repaired. 7-Eleven (Southland Corporation) has a long-term lease of the property and is responsible for the asphalt. The owner has indicated he will contact 7-Eleven to get the asphalt replaced or repaired.

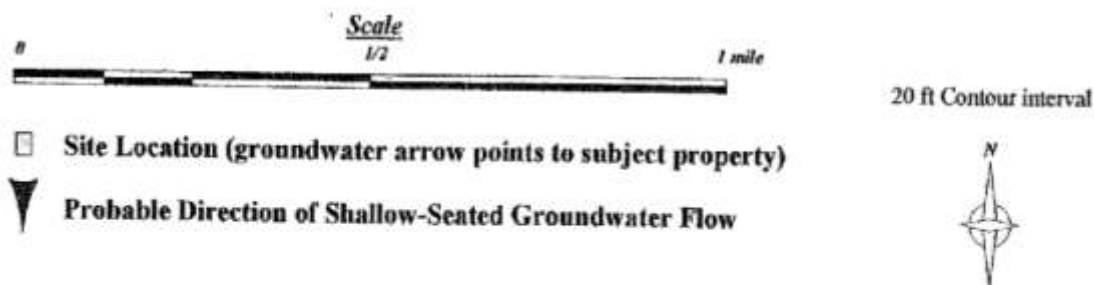
## **5.0 REFERENCES**

1. "Phase I Environmental Audit" by Environmental Associates, Inc., dated June 13, 2001;
2. "Soil Sampling & Testing" by Environmental Associates, Inc., dated July 16, 2001;
3. "Additional Soil Sampling & Testing" by Environmental Associates, Inc., dated September 6, 2001;
4. 2002 Restrictive Covenant;
5. Ecology, 2010 Site Visit.

---

## **6.0 APPENDICES**

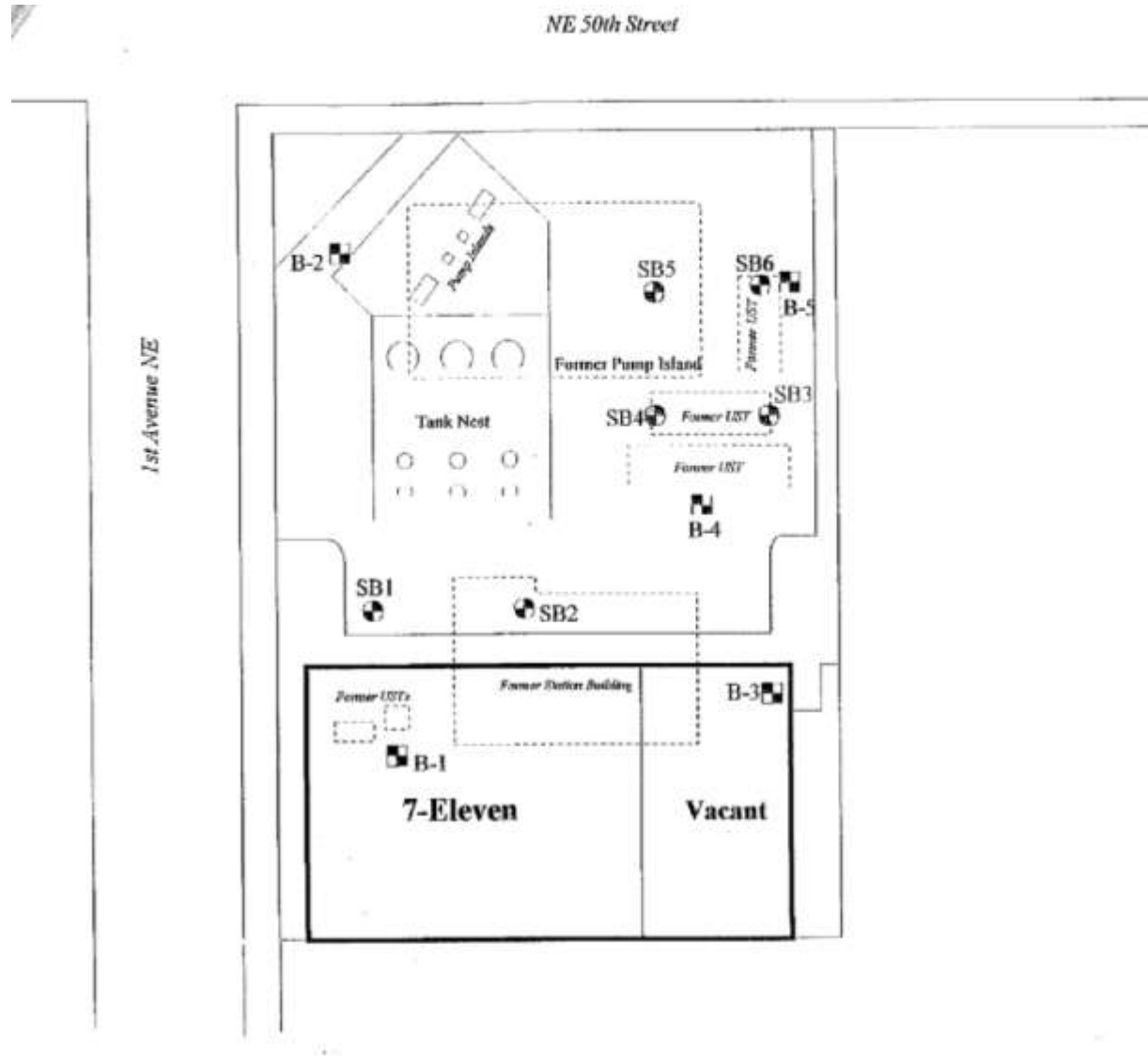
Printed from TOPO! ©1997 Wildflower Productions (www.topo.com)







2122 - 112th Avenue N.E., Ste. B-100

**7-Eleven**  
101 North East 50th Street  
Seattle, Washington 98105

## 6.2 Site Plan



-  Inferred direction of shallow groundwater flow based upon local topographical gradient.
-  Approximate boundary of the subject property.
-  Approximate location of soil borings advanced by EAI in June 2001  
Red denotes locations where petroleum hydrocarbons were detected by laboratory analysis.
-  Approximate location of soil borings advanced by GeoEngineers in 1986



**ENVIRONMENTAL  
ASSOCIATES, INC.**

### **SITE PLAN - DETAILED**

**7-Eleven  
101 NE 50th Street  
Seattle, Washington**

---

### **6.3 TPH-Dx Concentration Map**

not available

## 6.4 Environmental Covenant



**AFTER RECORDING MAIL TO:**

Name Fiftieth Street Investors  
C/O Terry Enterprises, Inc. GP  
Address P.O. Box 2030  
City/State Seattle, Washington 98111-2030

**Document Title(s):** (or transactions contained therein)

1. RESTRICTIVE COVENANT
- 2.
- 3.
- 4.

**Reference Number(s) of Documents assigned or released:**

☐ Additional numbers on page \_\_\_\_\_ of document

**Grantor(s):** (Last name first, then first name and initials)

1. Fiftieth Street Investors, a Limited Partnership
2. State of Washington Department of Ecology
- 3.
- 4.
5. ☐ Additional names on page \_\_\_\_\_ of document

**Grantee(s):** (Last name first, then first name and initials)

1. General Public
- 2.
- 3.
- 4.
5. ☐ Additional names on page \_\_\_\_\_ of document

**Abbreviated Legal Description as follows** (i.e. lot/block/plat or section/township/range/quarter/quarter)

Lots 21-24, Block, 6, University Hill Tracts, Vol 12, Pg 72

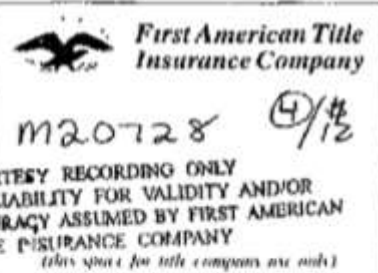
☐ Complete legal description is on page \_\_\_\_\_ of document

**Assessor's Property Tax Parcel / Account Number(s):**

881840-0720-06

**NOTE:** The auditor's order will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

2002 010 7001389





After Recording Mail To

Fiftieth Street Investors, a  
Limited Partnership  
c/o Terry Enterprises, Inc., GP  
PO Box 2030  
Seattle, WA 98111-2030

Tax Parcel ID # 881840-0720-06

### RESTRICTIVE COVENANT

Fiftieth Street Investors, a Limited Partnership  
50th Street Plaza

2002 010 2001385  
This Declaration of Restrictive Covenant is made pursuant to RCW 70 105D 030(1)(f) and (g) and WAC 173-340-440 by Fiftieth Street Investors, a Limited Partnership, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology")

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents: "Phase I Environmental Audit" by Environmental Associates, Inc., Dated June 13, 2001, "Soil and Sampling & Testing" by Environmental Associates, Inc., dated July 16, 2001, and "Additional Soil and Sampling & Testing" by Environmental Associates, Inc., dated September 6, 2001. These documents are on file at Ecology's NWRO.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340-900.

The undersigned, Fiftieth Street Investors, a Limited Partnership, is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows:

LOTS 21, 22, 23, AND THE NORTHERLY 20 FEET OF LOT 24 IN BLOCK 6 OF UNIVERSITY HILL TRACTS, AS PER PLAT RECORDED IN VOLUME 12 OF PLATS, PAGE 72, RECORDS OF KING COUNTY, EXCEPT ANY PORTION LYING WITHIN THE SOUTH 20 FEET OF SAID LOT 24, SITUATED IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

Fiftieth Street Investors, a Limited Partnership, makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner")

Section 1 Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2 Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3 Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4 The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5 The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6 The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7 The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action, to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8 The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

2002 010 7 001395

By Terry Enterprises, Incorporated, a Florida Corporation  
General Partner

By Susan Smith Terry  
Susan Smith Terry, Secretary

On JANUARY 5, 2002, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Susan Smith Terry, known to be the President and Secretary of the corporation that executed the within Instrument, known to me to be the person who executed the within Instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within Instrument pursuant to its bylaws or a resolution of its board of directors.

WITNESS my hand and official seal

SEFF: 010 2007

Drop Jarrett

Notary Public in and for said State and County  
WASHINGTON STATE, KING COUNTY



## 6.5 Photo log

**Photo 1: Front view of store**



**Photo 2: Close-up of address on window**





**Photo 3: Building and pumps - from the north**



**Photo 4: Deteriorating asphalt**

